THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26221 OF 2005

Dated: 07-12-2005

Between

Vemulakonda Parvathi, D/o. Late Satyanarayana, D.No.6-8-53, M.G. Road, Vizianagaram and others.

...PETITIONERS

AND

The District Collector, Vizianagaram and others.

...RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the respondents proposing to demolish the buildings of the petitioners for the purpose of road widening without following due process of law as illegal.

Learned counsel for the petitioners submits that the petitioners are the absolute owners of the properties situated at M.G. Road, Vizianagaram. At the time of grant of permission, the municipality has taken into consideration the existing road and thereafter granted the permission. The staff of the second respondent visited their buildings on 05.12.2005 and has given marking of the portion of the buildings that is sought to be demolished for the purpose of road widening. Learned counsel for the petitioners further submits that the petitioners are not at all against the road-widening programme of the respondents and they have no objection for the said programme if their premises are acquired and if proper compensation is paid.

The only grievance of the petitioners is that the respondents without issuing any notices, without paying any compensation for their structures or the lands and without following due process of law, are threatening the to demolish the existing structures for the purpose of road-widening.

The learned counsel for the petitioners further submits that the action of respondents without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well as Section 174 of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the properties of the petitioners and not to dispossess them without following due process of law under Section 174 of the Act or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

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V. ESWARAIAH, J

December 7, 2005

Note: Furnish C.C. of the order by 09.12.2005

(**B/O**)

DSK